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9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 In re

13 PACIFIC THOMAS CORPORATION, dba
14 PACIFIC THOMAS CAPITAL, dba
SAFE STORAGE,

15 Debtor.

Case No. 12-46534 MEH

Chapter 11

**CHAPTER 11 TRUSTEE KYLE
EVERETT'S MOTION TO SELL REAL
PROPERTY FREE AND CLEAR OF
CERTAIN INTERESTS**

16 Date: June 27, 2013

17 Time: 10:30 a.m.

18 Place: Courtroom, Hon. M. Elaine Hammond
1300 Clay Street-Courtroom 215
Oakland, California

19 Kyle Everett, the duly appointed, qualified and acting Chapter 11 trustee (the "Trustee")
20 of the bankruptcy estate of Pacific Thomas Corporation dba Pacific Thomas Capital dba Safe
21 Storage ("PTC") hereby moves the Court for an order authorizing him to sell property of PTC's
22 bankruptcy estate free and clear of liens and interests pursuant to Bankruptcy Code section 363(f).
23 This Motion to Sell Real Property Free and Clear of Certain Interests (the "Motion") is supported
24 by the accompanying Memorandum of Points and Authorities and the Declaration of Kyle
25 Everett.

26 Property of PTC's bankruptcy estate includes the real property located at 2615 E. 12th
27 Street, 2783 E. 12th Street, 2801 E. 12th Street, 1111 29th Avenue, 1113-15 29th Avenue, and
28 adjacent, as well as nearby, parking lots, in Oakland, California (the "Property"). The Property

1 houses tenants Performance Contracting, Inc., Budget Truck Rental, Avila Trucking, Mujeres
2 Unidas Activis, local contractor parking, and others, and contains eleven additional buildings that
3 are utilized as self-storage facilities (the "Self-Storage Facility").

4 The Trustee asserts that 11 U.S.C. §363(f)(4) authorizes him to sell the Property free and
5 clear of any interest in the Property claimed by Pacific Trading Ventures or Pacific Trading
6 Ventures, Ltd. (collectively, "PTV") including any leasehold or possessory interest, pursuant to
7 §363(f)(4) (the "Disputed Interest") because the Disputed Interest is in bona fide dispute.

8 WHEREFORE, the Trustee moves the Court for an order authorizing him to sell the
9 Property free and clear of the Disputed Interest.

10 DATED: May 30, 2013

BUCHALTER NEMER
A Professional Corporation

12 By: /s/ Craig C. Chiang
13 Craig C. Chiang
14 Attorneys for Chapter 11 Trustee
KYLE EVERETT